

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06 CR 31-08**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>MICHAEL DALE HONEYCUTT,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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THIS CAUSE coming on to be heard and being heard upon a Memorandum filed by Angela L. Pickett, United States Probation Officer, on June 23, 2006 requesting that a bond review hearing be scheduled for the defendant. At the call of this matter on for hearing it appeared that the defendant was present with his counsel and that the Government was present through Assistant United States Attorney, Richard Edwards, and from the evidence presented, arguments of counsel and the records in this cause, the undersigned makes the following findings:

**Findings.** In an indictment filed on April 6, 2006 the defendant was charged with conspiracy to manufacture and possess with intent to distribute methamphetamine, a schedule II controlled substance. It was alleged that the offense involved 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and that the offense created a substantial risk to harm to human life and/or the environment. On May 3, 2006 the undersigned entered an order detaining the defendant for a period of 45 to 90 days and to order that during that period of time the defendant be placed in the Jail Based Inpatient Treatment Program and that upon the completion of the program that the undersigned would

reconsider the issue of the continued detention of the defendant. The undersigned incorporates by reference the findings previously entered in the Order of Detention Pending Trial filed on May 3, 2006.

It appears from evidence presented by the defendant that the defendant has successfully completed the Jail Based Inpatient Treatment Program. The undersigned has further reviewed the Pretrial Services Report and the criminal record of the defendant. The Pretrial Services Report shows that the defendant, during a period of six and one-half years, has been convicted of 17 separate misdemeanors, three separate felonies and four times has failed to appear. Again, reviewing the factors as set forth under 18 U.S.C. § 3142(g), the undersigned has determined that the release of the defendant could result in the defendant committing additional crimes and as a result the release of the defendant could create a danger to any other person or the community. The undersigned does not find that the release of the defendant would create a risk of flight. The defendant has clearly committed a majority of his criminal conduct in McDowell County and has always been a resident of that county.

Officer Pickett of the Probation Office has recommended to the court that the defendant remain in custody due to his lengthy criminal record, his history of failures to appear, his history of probation violations and revocations and new arrest that the defendant had during prior periods of probation. The undersigned concurs with the recommendation of Officer Pickett. The defendant is commended for his participation in and completion of

the Jail Based Inpatient Treatment Program, however, the previous criminal record of the defendant cannot be ignored by the undersigned.

**ORDER**

BASED UPON THE FOREGOING, it is **ORDERED** that the defendant continue to be detained pending further orders of the court.

Signed: July 18, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

